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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,022	03/19/2004	James Brown	BJA-1	9207

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EXAMINER

LAWRENCE JR, FRANK M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,022

Applicant(s)

BROWN, JAMES

Examiner

Frank M. Lawrence

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 12-15 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Deckas et al. (4,344,784).

3. Deckas et al. '784 teach an air filtration system comprising a stand-alone blower (66) connected to an exhaust conduit housing (18), and a HEPA filter (12) sealed to the housing using strips of adhesive (31) (see figures, col. 4, lines 5-49, col. 7, lines 19-25).

4. Claims 1-3, 12-14 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al. (4,968,333).

5. Ellis et al. '333 teach an air filtration system comprising a blower (57) having an exhaust conduit, and a HEPA filter (50) sealed to the exhaust conduit using fasteners (54, 55) (see figures, col. 4, lines 59-66).

6. Claims 1-3, 6-14, 17-25 and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Laiti (6,979,359).

7. Laiti '359 teaches an air filtration system comprising a blower housing (20) that is fastened to a filter housing (10) using latches (30) for form an air-tight seal. The filter housing

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includes first and second ends, at least one handle, wheels or glides for supporting the housing, a HEPA filter (12) mounted in the housing at a first end, a pre-filter (11) upstream of the HEPA filter at the first end, and a chemical adsorbent filter (13) mounted between the HEPA filter and the second end (see figures 1-3, 6, 9, 11, 12, col. 4, lines 33-67, col. 5, lines 5-41, col. 7, lines 32-40).

8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaiser (5,507,859).

9. Kaiser '859 discloses an air filter comprising a HEPA filter bag (38) and an elastic band (68) for connecting the bag around a conduit (see figures 3-5, col. 1, lines 59-65, col. 3, lines 57-65, col. 4, lines 1-49). The filter is capable of being connected to an exhaust vent of an air mover.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Ellis et al. '333 or Laiti '359 in view of Kaiser '859.

12. Either one of Ellis et al. '333 or Laiti '359 disclose all of the limitations of the claims except that the HEPA filter comprises a bag. Kaiser '859 discloses a HEPA filter bag as described in paragraph 9 above. It would have been obvious to one having ordinary skill in the

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art at the time of the invention to modify the devices of the prior art by using a bag-type HEPA filter in order to provide a high-surface area filter having a low pressure drop.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose air filtration systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence
Primary Examiner
Art Unit 1724

Frank Lawrence
5-4-06

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